

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HUAWEI TECHNOLOGIES CO. LTD.,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC.,
VERIZON BUSINESS NETWORK
SERVICES, INC., VERIZON ENTERPRISE
SOLUTIONS, LLC, CELLCO
PARTNERSHIP D/B/A VERIZON
WIRELESS, INC., VERIZON DATA
SERVICES LLC, VERIZON BUSINESS
GLOBAL LLC, AND VERIZON SERVICES
CORP.

Defendants.

C.A. 2:20-cv-00030-JRG

VERIZON BUSINESS NETWORK
SERVICES, INC., CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS, VERIZON
DATA SERVICES LLC, VERIZON
BUSINESS GLOBAL LLC, VERIZON
SERVICES CORP., AND VERIZON
PATENT AND LICENSING INC.

Counterclaim-Plaintiffs,

v.

HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI TECHNOLOGIES USA, INC.,
AND FUTUREWEI TECHNOLOGIES INC.

Counterclaim-Defendants.

DEFENDANTS' NOTICE PURSUANT TO 35 U.S.C. § 282

Defendants Verizon Communications Inc., Verizon Business Network Services, Inc., Verizon Enterprise Solutions LLC, Cellco Partnership d/b/a Verizon Wireless, Inc., Verizon Data Services LLC, Verizon Business Global, LLC, Verizon Services Corp., and Verizon Patent and Licensing Inc. (collectively, “Defendants” or “Verizon”) hereby provide written notice pursuant to 35 U.S.C. § 282 that they may rely at trial in this action on one or more of (i) the patents and publications listed below as anticipating, rendering obvious, showing the state of the art, or otherwise supporting the invalidity of the asserted claims of U.S. Patent Nos. 9,312,982, 8,824,505, and 8,406,236, (collectively, the “Huawei patents-in-suit”);¹ and (ii) the persons listed below as prior inventors or persons having prior knowledge of, or having previously used or offered for sale, the alleged invention of the patents-in-suit. This disclosure is not intended to supplant the specific obviousness “combinations” previously disclosed by Verizon and its experts. Rather, consistent with that disclosure and statements therein, Verizon provides notice that it may rely at trial on any of the materials listed herein as showing the state of the art and supporting a finding of invalidity.

U.S. Patent No. 9,312,982 (claims 1, 7, 9, 12):

Patents

No.	Country	Patent No.	First Named Inventor	Date Issued	Patentee
1.	EP	1826926	Zou	December 14, 2011	Huawei Technologies Co., Ltd.

¹ Huawei notified Verizon that it is dropping its assertion of U.S. Patent Nos. 8,270,433; 9,014,151 and 8,995,253. Accordingly, Verizon has dropped the corresponding prior art related to those patents. To the extent Huawei reasserts these patents in this case, Verizon reserves the right to amend this notice of prior art to include its prior art related to these patents.

Publications

No.	Author	Title	Date	Bates Number / Pages
1.	Cortina Systems, Ciena Corporation, Cisco Systems.	Contribution 116 to the ITU-T SG15.	November 20, 2008	VZ-HW-EDTX-0007686 to VZ-HW-EDTX-0007702
2.	PMC-Sierra	Contribution 35 to the ITU-T SG15.	November 18, 2008	VZ-HW-EDTX-0002679 to VZ-HW-EDTX-0002680
3.	Lahav et al.	US Patent Pub No. 2003/0048813	2003	VZ-HW-EDTX-0003545 to VZ-HW-EDTX-0003555

In addition, Verizon incorporates by reference the patents and publications identified in:

- Verizon's Invalidity Contentions dated June 29, 2020; and
- Expert Report of Mark Lanning, Ph.D. Regarding Invalidity of the '236, '505 and '982 patents-in-suit dated February 18, 2021.

U.S. Patent No. 8,824,505 (claims 1 and 4):

Patents

No.	Country	Patent No.	First Named Inventor	Date Issued	Patentee
1.	EP	1 826 926	Zou	December 14, 2011	Huawei Technologies Co., Ltd.

Publications

No.	Author	Title	Date	Bates Number / Pages
1.	ITU-T	ITU-T G.709/Y.1331 Recommendation	03/2003	HW-EDTX-00612331 to HW-EDTX-00612448
2.	ITU-T	G.709 Living List Version 2006-05	2006-05	HW-EDTX-00328538 to HW-EDTX-00328552
3.	M.N. Ellanti et al.,	Next Generation Transport Networks, Data, Management, and Control Planes (Springer)	2005	VZ-HW-EDTX-0004091 to VZ-HW-EDTX-0004807

In addition, Verizon incorporates by reference the patents and publications identified in:

- Verizon's Invalidity Contentions dated June 29, 2020; and
- Expert Report of Mark Lanning, Ph.D. Regarding Invalidity of the '236, '505 and '982 patents-in-suit dated February 18, 2021.

U.S. Patent No. 8,406,236, (claims 1, 4, 7, and 10):*Publications*

No.	Author	Title	Date	Bates Number / Pages
1.	ITU-T	ITU-T G.709/Y.1331 Recommendation (03/2003)	2003-03	HW-EDTX-00612331 to HW-EDTX-00612448

No.	Author	Title	Date	Bates Number / Pages
2.	ITU-T	ITU-T G.707/Y.1322 Recommendation (12/2003)	2003-12	VZ-HW-EDTX-0007826 to VZ-HW-EDTX-0008017
3.	ITU-T	G.709 Living List Version 2006-05	2006-05	HW-EDTX-00328538 to HW-EDTX-00328552
4.	M.N. Ellanti et al.,	Next Generation Transport Networks, Data, Management, and Control Planes, by Springer	2005	VZ-HW-EDTX-0004091 to VZ-HW-EDTX-0004807
5.	Roberts et al.	EP Patent Publication No. 1 494 377	2005	VZ-HW-EDTX-0005266 to VZ-HW-EDTX-0005286

In addition, Verizon incorporates by reference the patents and publications identified in:

- Verizon's Invalidity Contentions dated June 29, 2020; and
- Expert Report of Mark Lanning, Ph.D. Regarding Invalidity of the '236, '505 and '982 patents-in-suit dated February 18, 2021.

Persons On Whose Knowledge Verizon May Rely²

- **Steve Gorshe:** c/o Microchip Technology Inc. 2355 West Chandler Blvd. Chandler, Arizona, USA 85224-6199
- **Martin Carroll:** c/o Quinn Emanuel Urquhart & Sullivan, LLP

² Verizon incorporates by reference its witness list and initial disclosures in their entireties. While Verizon has specifically identified the individuals it believes will provide the most directly relevant information regarding the asserted patents' invalidity, the testimony of other fact and expert witnesses may be relevant to issues such as the state of the art, secondary indicia of obviousness/non-obviousness, and motivation to combine.

- **Pete Anslow:** c/o Latham & Watkins LLP
- **Stephen Trowbridge:** c/o Nokia Corp. 600 Mountain Ave New Providence, NJ
- **Mark Lanning:** c/o Quinn Emanuel Urquhart & Sullivan, LLP

In addition, Verizon provides notice by incorporating by reference the prior art, articles, books, patents, and other references and individuals identified in following documents:

- Verizon's Patent Local Rule 3-3 and 3-4 Disclosures, including Verizon's Invalidity Contentions dated June 29, 2020 and July 20, 2020.
- The file histories for U.S. Patent Nos. 9,312,982; 8,824,505; and 8,406,236, including all cited prior art appearing in the file histories and appearing on the face of the patents.
- Expert Report of Mark Lanning, Ph.D. Regarding the Invalidity of U.S. Patent Nos. 9,312,982, 8,824,505, 8,406,236, dated February 18, 2021.

The disclosure set forth in this notice is strictly for purposes of the asserted claims in the asserted patents that are presently at issue in this litigation. In the event additional claims and/or patents become relevant, Verizon reserves its right to amend this notice accordingly.

Dated: June 7, 2021

Respectfully submitted,

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